

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION
JURY**

ADRIANA CHAVEZ
Plaintiff,

V.

TONY FABIANI and
RAC TRANSPORT COMPANY, INC.
Defendants.

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CIVIL ACTION NO. 3:21-CV-246

DEFENDANT RAC TRANSPORT COMPANY, INC.'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE OF SAID COURT:

1. Defendant, RAC TRANSPORT COMPANY, INC. ("Defendant"), by its undersigned attorney, respectfully shows this Court:

2. On August 31, 2021, Cause No. 2021DCV3082 was commenced against Defendants in the 171st Judicial District Court, El Paso County, Texas, and is now pending therein.

3. On September 8, 2021, Plaintiff requested service and process was served on Defendant RAC Transport Company, Inc. on September 10, 2021.

4. This Court has jurisdiction of the above-entitled action pursuant to diversity jurisdiction, 28 U.S.C. § 1332, and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(b).

5. Plaintiff's Original Petition asserts damages in excess of \$1,000,000.00. Accordingly, the amount in controversy is in excess of \$75,000.00, exclusive of interest and costs.

6. At the time of the commencement of this action in the 171st Judicial District Court, and since that time, Plaintiff has been a citizen of the State of Texas.

7. At the time of the commencement of this suit and since then, Defendant Tony Fabiani is a resident of Colorado and Defendant RAC Transport Company, Inc. is a Colorado Corporation. Thus, no Defendant is a citizen of the State of Texas.

8. This notice is filed with this Court within 30 days of service.

9. As required by 28 U.S.C. § 1446(d), a copy of the Notice of Removal is being served on Plaintiff, by and through her attorney of record, and is also being filed with the 171st Judicial District Court, El Paso County, Texas.

10. Concurrently with this Notice of Removal, the appropriate Notice of Removal is being filed in state court.

11. Copies of all process, pleadings, and orders filed in this cause, as well as an "Index of Matters Being Filed," are attached hereto in accordance with the Rules.

WHEREFORE, Defendant prays that the above-entitled action be removed from the 171st Judicial District Court, El Paso County, Texas to this Court.

Respectfully submitted,

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//s// **David R. Rangel**

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ATTORNEYS FOR DEFENDANT

RAC TRANSPORT COMPANY, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to the following counsel pursuant to the Federal Rules of Civil Procedure, on this the 7th day of October, 2021:

Mr. JonCarlo Serna

Mr. Cesar Ornelas

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//s// *David R. Rangel*

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